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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,856	02/04/2004	Reiner Laus	57636-8013.US01	7281
22918	7590	12/13/2007		
PERKINS COIE LLP P.O. BOX 2168 MENLO PARK, CA 94026			EXAMINER UNGAR, SUSAN NMN	
			ART UNIT 1642	PAPER NUMBER
			MAIL DATE 12/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

1. The Amendment filed August 7, 2007 in response to the Office Action of February 7, 2007 and the Amendment filed September 25, 2007 in response to the telephone interview of September 25, 2007 is acknowledged and has been entered. It is noted that Examiner has no record of the interview of September 25, 2007, disclosed by applicant, and that no interview summary has been imaged into this case or mailed to Applicant. Previously pending claims 1, 23-26 have been cancelled, 27-32 have been added and claim 27 has been amended. Claims 27-32 are currently pending and have been withdrawn from further consideration by the examiner under 37 CFR 1.142(b) as being drawn to non-elected inventions for the reasons set forth below.

2. The claims as currently constituted are directed to a method of inducing an immune response as well as an isolated polypeptide that induces an immune response to human prostatic phosphatase wherein the isolated polypeptide comprises at least 90% amino acid sequence identity to SEQ ID NO:2 which is a distinct product which is biologically and chemically distinct, unrelated in function, made by and used in different methods than an isolated polypeptide that is immunoreactive with an antibody that is also immunoreactive with human prostatic acid phosphatase (PAP) selected from: a) an amino acid sequence of SEQ ID NO:2; and b) a variant having at least 90% identity to the amino acid sequence of a) originally presented in the instant application, wherein the original invention required only that the isolated polypeptide be immunoreactive with an antibody that is also immunoreactive with the claimed species and which therefore was required to comprise only a single epitope of as little as 5 contiguous amino acids of SEQ ID NO:2 or 5 non-contiguous amino acids that formed the structure of an epitope found in SEQ ID NO:2 or a variant thereof while the instantly claimed

invention is drawn to a polypeptide that comprises at least 90% identity to SEQ ID NO:2 wherein said polypeptide comprises antigenic determinants which will stimulate the production of antibodies that will bind to SEQ ID NO:2, not previously claimed or examined.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 27 and 28 are withdrawn from consideration as being directed to a non-elected invention. See 37 C.F.R. § 1.142(b) and M.P.E.P. § 821.03.

Further, claims 29-32 are withdrawn from consideration given that methods of inducing an immune response were previously withdrawn from consideration for the reasons set forth in the paper mailed September 6, 2006 and for the same reasons the instantly claimed methods of inducing an immune response are also withdrawn from consideration. Thus, since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits and claims 29-32 are properly withdrawn from consideration.

3. The amendments filed August 7, 2007 and September 25, 2007 amending all of the claims to an invention not originally presented is nonresponsive (see MPEP 821.03) given that the currently pending claims are not readable on the originally presented invention for the reasons set forth above. Applicant is given a ONE MONTH time limit or until the expiration of the response period set in the last Office action, whichever is longer, to complete the response. NO EXTENSION OF THIS TIME LIMIT WILL BE GRANTED UNDER EITHER 37 CAR

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1.136(a) OR (b) but the period for response set in the last office action may be extended up to a maximum of SIX MONTHS.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Ungar, PhD whose telephone number is (571) 272-0837. The examiner can normally be reached on Monday through Friday from 7:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms, can be reached at 571-272-0832. The fax phone number for this Art Unit is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Susan Ungar

Primary Patent Examiner
November 21, 2007